



ORIGINAL

No. VLC-S-H-121044
Vancouver Registry

IN THE SUPREME COURT OF BRITISH COLUMBIA
Re: 26123 – 126th Avenue, Maple Ridge, British Columbia V2W 1C4

BETWEEN:

HOME TRUST COMPANY

PETITIONER

AND:

STEWART EDWARD IRVINE
CARMEL YOKO RICHTER
SHERWIN JACK-YEN HO
OLYMPIA TRUST COMPANY, IN TRUST
JOHN DOE (TENANT) and JANE DOE (TENANT)

RESPONDENTS

AFFIDAVIT OF ORDINARY SERVICE

I, Noemi Sedlmeier, Legal Secretary, of #206 – 1110 Hamilton Street, in the City of Vancouver, in the Province of British Columbia, MAKE OATH AND SAY AS FOLLOWS:

1. On Thursday, November 8, 2012, I served the Petition Respondent, STEWART EDWARD IRVINE, with the Notice of Hearing, Requisition of Statement of Relief Sought with draft Order Nisi of Foreclosure and Affidavit #2 Carolyn Furlano, sworn November 2, 2012 and all filed November 6, 2012, copies of which are attached to this Affidavit and marked as Exhibits "A", "B", and "C" by:

- ☐ leaving the document at
- ☒ mailing the documents by ordinary mail to 26123 – 126th Avenue, Maple Ridge, BC V2W 1C4
- ☐ faxing the document to together with a fax cover sheet
- ☐ e-mailing the document to

2. On Thursday, November 8, 2012, I served the Petition Respondent, CARMEL YOKO RICHTER, with the Notice of Hearing, Requisition of Statement of Relief Sought with draft Order Nisi of Foreclosure and Affidavit #2 Carolyn Furlano, sworn November 2, 2012 and all filed November 6, 2012, copies of which are attached to this Affidavit and marked as Exhibits "A", "B", and "C" by:

- ☐ leaving the document at
- ☒ mailing the documents by ordinary mail to c/o Spry Hawkins Micner, Barristers & Solicitors, Suite 440-5900 No.3 Road, Richmond, BC V6X 3P7
- ☐ faxing the document to together with a fax cover sheet
- ☐ e-mailing the document to

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3. On Thursday, November 8, 2012, I served the Petition Respondent, SHERWIN JACK-YEN HO, with the Notice of Hearing, Requisition of Statement of Relief Sought with draft Order Nisi of Foreclosure and Affidavit #2 Carolyn Furlano, sworn November 2, 2012 and all filed November 6, 2012, copies of which are attached to this Affidavit and marked as Exhibits "A", "B", and "C" by:


- ☐ leaving the document at
- ☒ mailing the documents by ordinary mail to c/o Spry Hawkins Micner, Barristers & Solicitors, Suite 440-5900 No.3 Road, Richmond, BC V6X 3P7
- ☐ faxing the document to together with a fax cover sheet
- ☐ e-mailing the document to

4. On Thursday, November 8, 2012, I served the Petition Respondent, OLYMPIA TRUST COMPANY, IN TRUST, with the Notice of Hearing, Requisition of Statement of Relief Sought with draft Order Nisi of Foreclosure and Affidavit #2 Carolyn Furlano, sworn November 2, 2012 and all filed November 6, 2012, copies of which are attached to this Affidavit and marked as Exhibits "A", "B", and "C" by:

- ☐ leaving the document at
- ☒ mailing the documents by ordinary mail to #1003 - 750 West Pender Street, Vancouver, BC V6C 2T8
- ☐ faxing the document to together with a fax cover sheet
- ☐ e-mailing the document to

5. Collectively attached hereto marked Exhibit "D" to this my Affidavit are copies of our letters dated November 8, 2012 enclosing the foregoing documentation along with the stamped envelopes served by ordinary mail.

SWORN BEFORE ME at the City
of Vancouver, British Columbia, this
15th day of November, 2012.


A Commissioner for taking oaths in and
for the Province of British Columbia.

RON BAKONYI
BARRISTER & SOLICITOR
#206-1110 HAMILTON ST.
VANCOUVER, B.C. V6B 2S2
TEL: 604-688-7700


NOEMI SEDLMEIER



This is Exhibit " A " referred to in the
affidavit of Noemi Sedlmeier
sworn before me at Vancouver
this 15 day of November 20 12
[Signature]
A Commissioner for Taking Affidavits
for British Columbia

No. VLC-S-H-121044
Vancouver Registry

IN THE SUPREME COURT OF BRITISH COLUMBIA
Re: 26123 – 126th Avenue, Maple Ridge, British Columbia V2W 1C4

BETWEEN:

HOME TRUST COMPANY

PETITIONER

AND:

STEWART EDWARD IRVINE
CARMEL YOKO RICHTER
SHERWIN JACK-YEN HO
OLYMPIA TRUST COMPANY, IN TRUST
JOHN DOE (TENANT) and JANE DOE (TENANT)

RESPONDENTS

NOTICE OF HEARING

To: The Petition Respondents
And To: Their Solicitors

TAKE NOTICE that the Petition of the Petitioner, Home Trust Company, dated October 10, 2012, will be heard at the Courthouse at 800 Smithe Street, Vancouver, British Columbia on Thursday, November 29, 2012 at 9:45 a.m.

1. Date of hearing

- ☐ The parties have agreed as to the date of the hearing of the Petition.
☒ The parties have been unable to agree as to the date of the hearing but notice of the hearing will be given to the Petition Respondents in accordance with Rule 16-1(8)(b) of the Supreme Court Rules.
☐ The Petition is unopposed, by consent or without notice.

2. Duration of hearing

- ☐ It has been agreed by the parties that the hearing will take
☒ The parties have been unable to agree as to how long the hearing will take and
(a) the time estimate of the Petitioner is FIVE (5) minutes, and
(b) ☒ the time estimate of the Petition Respondents, Carmel Yoko Richter & Sherwin Jack-Yen Ho is 10 minutes; and
☒ the other Petition Respondent(s) has(ve) not given a time estimate.

3. Jurisdiction

- ☒ This matter is within the jurisdiction of a Master.
☐ This matter is not with the jurisdiction of a Master.

Date: November 6, 2012

Ronald A. Bakonyi
Signature of Lawyer for Petitioner



No. VLC-S-H-121044
Vancouver Registry

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Re: 26123 – 126th Avenue, Maple Ridge, British Columbia V2W 1C4

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HOME TRUST COMPANY

PETITIONER

AND:

STEWART EDWARD IRVINE
CARMEL YOKO RICHTER
SHERWIN JACK-YEN HO
OLYMPIA TRUST COMPANY, IN TRUST
JOHN DOE (TENANT) and JANE DOE (TENANT)

RESPONDENTS

REQUISITION – GENERAL

Filed by: The Petitioner, Home Trust Company

Required: STATEMENT OF RELIEF SOUGHT AT HEARING OF PETITION

- | | |
|--|--|
| 1. Redemption Period | Six (6) Months from date of Order Nisi |
| 2. Redemption Amount | \$455,964.57 (As at November 29, 2012) |
| 3. Per Diem | Interest at 5.39% per annum, compounded semi-annually and currently at \$64.87 per diem. |
| 4. Personal Judgment Against | STEWART EDWARD IRVINE |
| 5. Costs | Scale A, reserving the right to apply for increased costs later, if appropriate. |
| 6. Order for Sale by Petitioner | No |
| 7. Appointment of Receiver | No |
| 8. Right to Apply for a Further Accounting | Yes |
| 9. Other | None. |

This requisition is supported by the following:

1. Affidavit #1 of Carolyn Furlano, made October 10, 2012;
2. Affidavit #2 of Carolyn Furlano, made November 2, 2012;
3. Petition to the Court; and
4. attached draft Order Nisi.

Date: November 6, 2012

Ronald A. Bakonyi

Signature of

[] filing party [☒] lawyer for filing party

This is Exhibit "B" referred to in the
affidavit of Noemi Sedlmeier
sworn before me at Vancouver
this 15 day of November, 2012
[Signature]
A Commissioner for taking Affidavits
for British Columbia



This is Exhibit " C " referred to in the
affidavit of Noemi Sedlmeier (Affidavit #2 of Carolyn Furlano)
sworn before me at Vancouver (Sworn November 2, 2012)
this 15 day of November 2012
[Signature]
A Commissioner for taking Affidavits
for British Columbia

No. VLC-S-H-121044
Vancouver Registry

IN THE SUPREME COURT OF BRITISH COLUMBIA
Re: 26123 – 126th Avenue, Maple Ridge, British Columbia V2W 1C4

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PETITIONER

AND:

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OLYMPIA TRUST COMPANY, IN TRUST
JOHN DOE (TENANT) and JANE DOE (TENANT)

RESPONDENTS

AFFIDAVIT

I, Carolyn Furlano, Collections Officer, of Suite 2300 – 145 King Street West,
Toronto, Ontario, MAKE OATH AND SAY AS FOLLOWS:

1. I am employed by the Petitioner as a Collections Officer, in its Collection Department, and I am authorized by the Petitioner to make this Affidavit on its behalf. I have been involved with the attempted collection of the subject loan herein and have reviewed all pertinent information. As such, I have personal knowledge of the matters and facts hereinafter deposed to, save and except where the same are stated to be based upon information and belief, and where so stated, I verily believe the same to be true.

BAKONYI & COMPANY
BARRISTERS & SOLICITORS
NOTARIES PUBLIC

Suite #206 – 1110 Hamilton Street
Vancouver, British Columbia
V6B 2S2

Phone: (604) 688-7700
Facsimile: (604) 688-7799
E-Mail: ron@rblaw.ca

File No. 23387

November 8, 2012

COPY

PERSONAL & CONFIDENTIAL

STEWART EDWARD IRVINE
26123 – 126th Avenue
Maple Ridge, BC
V2W 1C4

This is Exhibit "D," referred to in the
affidavit of Noemi Sedlmeier
sworn before me at Vancouver
this 15 day of November 20 12
RB
A Commissioner for taking Affidavits
for British Columbia

Re: Home Trust Company v. Irvine
Vancouver Supreme Court of British Columbia – Action No. VLC-S-H-121044
Order Nisi of Foreclosure Application set for Thursday, November 29, 2012

Please find enclosed for service upon you, copies of the following documentation:

1. filed Notice of Hearing;
2. filed Requisition of Statement of Relief Sought with attached draft Order Nisi of Foreclosure; and
3. filed Affidavit # 2 of Carolyn Furlano, sworn November 2, 2012.

with respect to the above-noted matter. Kindly acknowledge service of same by signing and returning the copy of this letter to our office at your earliest convenience.

Yours very truly,
BAKONYI & COMPANY

Per:
RONALD A. BAKONYI
RB/ns

Encl. - As listed above.

BAKONYI & COMPANY
#206-1110 HAMILTON ST.
VANCOUVER, B.C. V6B 2S2
TEL: 604-688-7700



PERSONAL & CONFIDENTIAL

STEWART EDWARD IRVINE
26123 - 126th Avenue
Maple Ridge, BC
V2W 1C4

BAKONYI & COMPANY
BARRISTERS & SOLICITORS
NOTARIES PUBLIC

Suite #206 – 1110 Hamilton Street
Vancouver, British Columbia
V6B 2S2

Phone: (604) 688-7700
Facsimile: (604) 688-7799
E-Mail: ron@rblaw.ca

File No. 23387

November 8, 2012

CARMEL YOKO RICHTER
c/o Spry Hawkins Micner
Barristers and Solicitors
Suite 440 – 5900 No. 3 Road
Richmond, BC V6X 3P7

ATTENTION: Jack Micner

Re: Home Trust Company v. Irvine
Vancouver Supreme Court of British Columbia – Action No. VLC-S-H-121044
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Yours very truly,
BAKONYI & COMPANY

Per:
RONALD A. BAKONYI
RB/ns

BAKONYI & COMPANY
#206-1110 HAMILTON ST.
VANCOUVER, B.C. V6B 2S2
TEL: 604-688-7700

CANADA



CANADA



CANADA



CANADA



CARMEL YOKO RICHTER
c/o Spry Hawkins Micner
Barristers and Solicitors
Suite 440 - 5900 No. 3 Road
Richmond, BC V6X 3P7

ATTENTION: Jack Micner

BAKONYI & COMPANY
BARRISTERS & SOLICITORS
NOTARIES PUBLIC

Suite #206 – 1110 Hamilton Street
Vancouver, British Columbia
V6B 2S2

Phone: (604) 688-7700
Facsimile: (604) 688-7799
E-Mail: ron@rblaw.ca

File No. 23387

November 8, 2012

COPY

SHERWIN JACK-YEN HO
c/o Spry Hawkins Micner
Barristers and Solicitors
Suite 440 – 5900 No. 3 Road
Richmond, BC V6X 3P7

ATTENTION: Jack Micner

Re: Home Trust Company v. Irvine
Vancouver Supreme Court of British Columbia – Action No. VLC-S-H-121044
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BAKONYI & COMPANY

Per:
RONALD A. BAKONYI
RB/ns

Page 8 of 11
of Exhibits

BAKONYI & COMPANY
#206-1110 HAMILTON ST.
VANCOUVER, B.C. V6B 2S2
TEL: 604-688-7700



SHERWIN JACK-YEN HO
c/o Spry Hawkins Micner
Barristers and Solicitors
Suite 440 – 5900 No. 3 Road
Richmond, BC V6X 3P7

ATTENTION: Jack Micner

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File No. 23387

November 8, 2012

COPY

OLYMPIA TRUST COMPANY, IN TRUST
#1003 – 750 West Pender Street
Vancouver, BC
V6C 2T8

Re: Home Trust Company v. Irvine
Vancouver Supreme Court of British Columbia – Action No. VLC-S-H-121044
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BAKONYI & COMPANY

Per:
RONALD A. BAKONYI
RB/ns

Encl. - As listed above.

Page 10 of 11
of Exhibits

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Vancouver, BC
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JOHN DOE (TENANT) and JANE DOE (TENANT)

RESPONDENTS

AFFIDAVIT OF ORDINARY SERVICE

File #23387

Ronald A. Bakonyi
BAKONYI & COMPANY
Barristers & Solicitors
#206 – 1110 Hamilton Street
Vancouver, B.C.
V6B 2S2

Phone: 604-688-7700
Fax: 604-688-7799